

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1074

AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-32-1-1, AS ADDED BY P.L.128-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. This article applies only to the following:

- (1) A public works project of a state educational institution that begins after June 30, 2014.
- (2) A public works project of a public agency, other than a state educational institution, that begins after June 30, 2017, **and before July 1, 2020.**

SECTION 2. IC 5-32-1-3 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 3: This article expires July 1, 2020.~~

SECTION 3. IC 5-32-2-15, AS ADDED BY P.L.128-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. **(a) Before July 1, 2020**, "public agency" has the meaning set forth in IC 5-30-1-11. **This subsection expires July 1, 2021.**

(b) After June 30, 2020, "public agency" means a state educational institution (as defined in IC 21-7-13-32).

SECTION 4. IC 21-12-6-7, AS AMENDED BY P.L.165-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) Subject to IC 21-12-13-2, a scholarship awarded under section 6 of this chapter or this section may be renewed. To qualify for a scholarship renewal, a scholarship recipient must do



the following:

- (1) Submit to the commission a renewal application that contains all the information and evidence required by the commission to determine eligibility for the scholarship renewal.
- (2) Continue to be enrolled as a full-time student in good standing at an eligible institution.
- (3) This subdivision applies only to applicants who initially enroll in the program under section 5 of this chapter or IC 21-12-6.5-2 after June 30, 2011. For purposes of this chapter, applicants who are enrolled in the program before July 1, 2011, will not have an income or financial resources test applied to them when they subsequently apply to renew a scholarship. Continue to have a lack of financial resources reasonably available to the applicant, as defined by the commission, that, in the absence of an award under this chapter, would deter the scholarship applicant from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant.
- (4) Maintain satisfactory academic progress, as determined by the eligible institution.
- (5) If the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2013, the student successfully completes:
 - (A) at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;
 - (B) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; and
 - (C) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years. A recipient who fails to meet the credit hour requirement for a particular academic year becomes ineligible for an award during the next academic year. The recipient may become eligible for an award in subsequent academic years if that recipient meets the aggregate credit hour requirements commensurate with the recipient's academic standing. In addition, the commission may allow a student who is otherwise ineligible under this subdivision for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as



determined by the commission) prevented the student from meeting the requirements of this subdivision. This subdivision expires June 30, 2017.

(5) If the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2019, complete a student success program designed by the commission in coordination with eligible institutions.

(6) Beginning in an academic year beginning after August 31, 2017, the student successfully completes:

(A) at least thirty (30) credit hours or the equivalent during the last academic year in which the student received state financial aid; or

(B) at least thirty (30) credit hours or the equivalent during the last academic year in which the student was enrolled in postsecondary education.

(7) Continue to meet any other minimum criteria established by the commission.

(b) In determining eligibility under subsection (a)(6), the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection (a)(6)(A) or (a)(6)(B):

(1) Credits earned from dual credit, advanced placement, and international baccalaureate courses.

(2) College credits earned during high school.

(3) Credits earned exceeding thirty (30) credit hours during a previous academic year in which a student received state financial aid.

(c) The commission may allow a student who is otherwise ineligible under subsection (a)(6) for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements under subsection (a)(6).

SECTION 5. IC 21-12-6-10.3, AS AMENDED BY P.L.281-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10.3. (a) This section applies to a student who qualifies for a scholarship under section 6 or 7 of this chapter, if the student initially enrolls in the program after June 30, 2011. Applicants who are enrolled in the program before July 1, 2011, will not have an income or financial resources test applied to them under this section when they subsequently apply for a scholarship or apply to renew a



scholarship.

(b) A scholarship applicant shall be awarded the following amount as adjusted under subsections (c) and (d):

(1) If the scholarship applicant attends an approved postsecondary educational institution that is a state educational institution, the full educational costs that the scholarship applicant would otherwise be required to pay at the eligible institution.

(2) If the scholarship applicant attends an approved postsecondary educational institution that is private, the ~~lesser of the educational costs that the scholarship applicant would otherwise be required to pay at the private eligible institution; or greater of the:~~

(A) average of the educational costs of all state educational institutions, not including Ivy Tech Community College; **or**

(B) **amount the applicant is eligible to receive under IC 21-12-4.**

(3) If the scholarship applicant attends an approved postsecondary educational institution that is a postsecondary credit bearing proprietary educational institution, the lesser of the educational costs that the scholarship applicant would otherwise be required to pay at the postsecondary credit bearing proprietary educational institution or the educational costs of Ivy Tech Community College.

(c) The amount of an award under subsection (b) shall be reduced by:

(1) for an amount awarded before September 1, 2014:

(A) the amount of the Frank O'Bannon grant awarded to the scholarship applicant; plus

(B) an additional amount based on the expected family contribution, if necessary, as determined by the commission, to provide scholarships within the available appropriation; or

(2) for an amount awarded after August 31, 2014, the amount based on the expected family contribution, if necessary, as determined by the commission, to provide scholarships within the available appropriation.

(d) The total of all tuition scholarships awarded under this section in a state fiscal year may not exceed the amount available for distribution from the fund for scholarships under this chapter. If the total amount to be distributed from the fund in a state fiscal year exceeds the amount available for distribution, the amount to be distributed to each eligible applicant shall be proportionately reduced so that the total reductions equal the amount of the excess based on the relative financial need of each eligible applicant.



SECTION 6. IC 21-12-8-9, AS ADDED BY P.L.230-2017, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) This section applies to an applicant who attends or has attended any of the following:

- (1) An approved secondary school.
- (2) An accredited nonpublic school.
- (3) A nonaccredited nonpublic school.

(b) An applicant is eligible to receive a high value workforce ready credit-bearing grant if the following conditions are met:

- (1) The applicant is domiciled in Indiana, as defined by the commission.
- (2) The applicant:
 - (A) has received a diploma of graduation from a school described in subsection (a);
 - (B) has been granted a:
 - (i) high school equivalency certificate before July 1, 1995; or
 - (ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal), IC 20-20-6 (before its repeal), or IC 22-4.1-18; or
 - (C) is a student in good standing who is completing a final year of study at a school described in subsection (a) and will be eligible upon graduation to attend an approved institution of higher learning.
- (3) The applicant is enrolled in an eligible certificate program, as determined under IC 21-12-8-2(4), at Ivy Tech Community College or Vincennes University.
- (4) The applicant enrolls at least half-time for purposes of federal financial aid.
- (5) The applicant has not received any grant for the maximum number of academic terms specified for the grant in IC 21-12-13-1 or IC 21-12-13-2.
- (6) The applicant is not eligible for any state financial aid program described in IC 21-12-13-1(a) or IC 21-12-13-2(a).
- (7) The applicant is identified as financially independent from the applicant's parents as determined by the Free Application for Federal Student Aid (FAFSA).
- (8) The applicant has correctly filed the FAFSA and, if eligible for aid, accepts all offered federal scholarships and grants.
- (9) **Except as provided under subsection (c),** the applicant maintains satisfactory academic progress, as determined by the eligible institution.



(10) The applicant has not previously received a baccalaureate degree, an associate degree, or an eligible certificate.

(11) The applicant meets any other minimum criteria established by the commission.

(c) This subsection applies to an applicant who does not maintain satisfactory academic progress under subsection (b)(9) but meets all the other conditions required under subsection (b). An applicant is eligible to receive a high value workforce ready credit-bearing grant if the applicant meets one (1) of the following:

(1) The applicant has not attended an eligible institution for the immediately preceding two (2) academic years.

(2) The applicant:

(A) attended an eligible institution at any time during the immediately preceding two (2) academic years; and

(B) maintained satisfactory academic progress, as determined by the eligible institution, during the period described in clause (A) in which the applicant attended the eligible institution.

SECTION 7. IC 21-13-9-6, AS AMENDED BY P.L.217-2017, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. **(a)** A scholarship recipient must execute a written primary care practice agreement with the commission, with the terms and conditions and in the form and manner required by the commission. The agreement must provide that the scholarship recipient shall do at least the following:

(1) Continually satisfy the requirements of section 4 of this chapter during the school year.

(2) Complete the requirements of the Marian University College of Osteopathic Medicine program by the end of the fourth year after receiving the first scholarship under this chapter.

(3) ~~With Practice~~ **one (1) year of** primary care in Indiana for ~~four (4) years~~ **each class year for which the recipient was awarded a scholarship under this chapter, including any preceding class years awarded under section 5(b)(2), 5(b)(3), or 5(b)(4) of this chapter.** This requirement includes the time spent in any residency program that is located in Indiana.

(4) Return the amount specified in the agreement, ~~not to exceed the total of all scholarships received; plus any interest the commission imposes under subsection (b),~~ to the commission if the scholarship recipient fails to comply with all the terms and conditions of the agreement. ~~If the noncompliance is because the scholarship recipient did not comply with subdivision (3); the~~



minimum amount that must be returned is the highest scholarship amount received for a school year multiplied by the number of years the scholarship recipient did not comply with subdivision (3).

(b) The commission may impose and collect interest on any unpaid amounts owed to the commission under subsection (a)(4).

SECTION 8. IC 21-13-9-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 8. (a) If the commission and a recipient of a scholarship enter into a new written agreement that complies with this chapter, the commission and recipient may terminate an agreement entered into or renewed under this chapter before July 1, 2018.**

(b) This section expires June 30, 2023.

SECTION 9. IC 21-18-3-4, AS ADDED BY P.L.2-2007, SECTION 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4. The chairman chairperson of the commission shall appoint a ~~ten (10)~~ seven (7) member student** member nominating committee as follows:

(1) Five (5) comprised of students from state educational institutions, with not more than one (1) student from any one (1) state educational institution.

(2) Five (5) full-time faculty members from state educational institutions; with not more than one (1) full-time faculty member from any one (1) educational institution.

SECTION 10. IC 21-18-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4.5. The chairperson of the commission shall appoint a seven (7) member faculty member nominating committee comprised of seven (7) full-time faculty members from state educational institutions, with not more than one (1) faculty member from any one (1) state educational institution.**

SECTION 11. IC 21-30-1-2, AS ADDED BY P.L.2-2007, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. "Board of trustees",**

(1) for purposes of IC 21-30-5, refers to the board of trustees of Vincennes University. and

(2) for purposes of IC 21-30-6, refers to the board of trustees of a state educational institution.

SECTION 12. IC 21-30-6 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Disposition of Gifts, Bequests, and Devises of Real



Property).

SECTION 13. IC 21-36-3-4, AS ADDED BY P.L.2-2007, SECTION 277, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The board of trustees of a state educational institution may determine that any real estate **(including any real estate acquired by gift, bequest, or devise)**

~~(1) that was not acquired by gift or devise; and~~

~~(2) for which the title of the real estate is in the name of the:~~

~~(A) (1) state educational institution; or~~

~~(B) (2) state of Indiana for the use and benefit of the state educational institution;~~

is not needed for any of the purposes of the state educational institution and that it would be advantageous for the state educational institution to give or sell the real estate.

SECTION 14. IC 21-36-3-6, AS AMENDED BY P.L.217-2017, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~(a)~~ Except as provided in ~~subsection (b) and~~ section 7 of this chapter, the value of the real estate to be sold and conveyed under this chapter shall be determined by ~~three~~ **(3) two (2) disinterested appraisers appointed by the governor: appointed by the board of trustees of the state educational institution.** Real estate may ~~not~~ be sold or conveyed for less than the appraised value **if the board of trustees of a state educational institution approves a resolution that authorizes the sale or conveyance of real estate for less than the appraised value.**

~~(b) Subsection (a) does not apply to Ivy Tech Community College through December 31, 2017. This subsection expires June 30, 2018.~~

SECTION 15. IC 21-36-3-8, AS ADDED BY P.L.2-2007, SECTION 277, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The price that is agreed on by the purchaser and the board of trustees under this chapter shall be **certified approved in a resolution** by the board of trustees of the state educational institution. ~~to the treasurer of the state educational institution. The board of trustees shall send a copy of the resolution to the governor.~~

SECTION 16. IC 21-36-3-9 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 9: The purchaser or purchasers of real estate that:

~~(1) has been sold; or~~

~~(2) is to be conveyed;~~

under this chapter shall pay the purchase money to the treasurer of the state educational institution selling the real estate for the use and benefit of the state educational institution:



SECTION 17. IC 21-36-3-10 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 10: The treasurer of the state educational institution shall issue a receipt to the purchaser of real estate being sold or conveyed under this chapter.

SECTION 18. IC 21-36-3-11 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 11: A purchaser of real property under this chapter shall submit to the auditor of the state:

- (1) the receipt issued from the treasurer of the state educational institution selling real estate under this chapter; and
- (2) a request to convey title to real estate in the form of a certified copy of the resolution of the board of trustees of the state educational institution setting forth the terms and conditions of the sale and conveyance of the real estate.

SECTION 19. IC 21-36-3-12 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 12: Upon presentation of the documents required under section 11 of this chapter:

- (1) the auditor of state shall execute a deed of conveyance to the purchaser;
- (2) the governor shall sign the deed; and
- (3) the auditor of state shall officially attest the deed with the seal of the state of Indiana.

SECTION 20. IC 21-36-3-13 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 13: The proceeds derived from the sale and conveyance of real estate under this chapter must be received and kept by the state educational institution selling the real estate in a separate and distinct fund.

SECTION 21. IC 21-36-3-14 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 14: The board of trustees of a state educational institution; with the approval of the governor; may reinvest and use the proceeds from the sale of real estate under this chapter; as the board of trustees of the state educational institution finds will provide the greatest benefit to the state educational institution; for the purchase or improvement; or both; of other real estate acquired or to be acquired in the name of the:

- (1) state educational institution; or
- (2) state of Indiana for the use and benefit of the state educational institution.

SECTION 22. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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